

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LEON F. WRIGHT,

Petitioner,

v.

9:12-CV-1861 (BKS/TWD)

SUPERINTENDENT,

Respondent.

Appearances:

Leon F. Wright
07-B-1667
Coxsackie Correctional Facility
P.O. Box 999
Coxsackie, NY 12051
Petitioner, pro se

Paul B. Lyons, Esq.
Hon. Eric T. Schneiderman
Office of New York State Attorney General
120 Broadway
New York, NY 10271
Attorney for Respondent

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Petitioner Leon F. Wright, a New York State inmate, commenced this habeas corpus action under 28 U.S.C. § 2254 on October 23, 2012. Dkt. No. 1. Respondent filed a response to the petition on April 15, 2013. Dkt. Nos. 12-14. His supplemental response was filed on August 29, 2016. Dkt. No. 42. This matter was referred to United States Magistrate Judge Thérèse Wiley Dancks who, on December 16, 2016, issued an Order and Report-Recommendation recommending that the petition be denied and dismissed on the grounds that it is time-barred,

and recommending that a certificate of appealability not issue. Dkt. No. 51. Magistrate Judge Dancks advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. Dkt. No. 51, p. 23. No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed Judge Dancks' thorough Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 51) is **ADOPTED** in its entirety; and it is further


ORDERED that the petition (Dkt. No. 1) is **DENIED AND DISMISSED** as time-barred; and it is further

ORDERED that no Certificate of Appealability shall issue because petitioner failed to make a "substantial showing of the denial of a constitutional right" as required by 28 U.S.C. § 2253(c)(2); and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: February 25, 2017


Brenda K. Sannes
U.S. District Judge